

Information in State statutes and regulations relevant to the National Background Check Program: Connecticut

This document describes what was included as of January 2012 in Connecticut statutes and regulations relevant to the Centers for Medicare & Medicaid Services' National Background Check Program. Connecticut has nine relevant statutes and regulations, all of which were used in gathering information for this document, and which are listed below in the State Statutes and Regulations section.

Key Feature	Description
Specific facility and provider types	The State covers seven of the long term care (LTC) facility and provider types named in the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), namely: skilled nursing facilities, nursing facilities, home health agencies, hospice care providers, LTC hospitals, residential care providers, and intermediate care facilities for the mentally retarded.
Registry checks	Statutes and regulations indicate that the facility conducts a State-based search of abuse and neglect registries.
Fingerprinting	All applicants for employment with one of the seven listed facility or provider types are fingerprinted.
Rap back	Not addressed.
Provisional employment	The State allows provisional employment for a period of 60 days after fingerprints have been taken.
Definition of direct patient access employee	In Connecticut, having direct access means having physical access to a patient or resident of an LTC facility that affords an individual the opportunity to commit abuse or neglect against or misappropriate the property of a patient or resident.
Provision of criminal background check results to employee	Not addressed.
Expiration of criminal history background check results	The statutes and regulations indicate that criminal background check results expire after a period of three years.

Key Feature	Description
<p>Inclusion of disqualifying crimes specified in section 6201 of the Affordable Care Act:</p> <ol style="list-style-type: none"> 1. Medicare/Medicaid program-related crimes (42 U.S.C § 1320a-7(a)(1)) 2. Convictions related to patient abuse/neglect (42 U.S.C § 1320a-7(a)(2)) 3. Felony convictions related to health care fraud (42 U.S.C § 1320a-7(a)(3)) 4. Certain felony convictions related to controlled substances (42 U.S.C § 1320a-7(a)(4)) 	<ol style="list-style-type: none"> 1. State statutes and regulations bar LTC employment for convictions of Medicaid federally mandated disqualifying crimes. 2. State statutes and regulations bar LTC employment for convictions of Medicaid federally mandated disqualifying crimes. 3. State statutes and regulations bar LTC employment for convictions of Medicaid federally mandated disqualifying crimes. 4. State statutes and regulations bar LTC employment for convictions of Medicaid federally mandated disqualifying crimes.
<p>State-identified convictions</p>	<p>See Appendix A – State-identified Disqualifying Convictions. Connecticut identifies various disqualifying convictions for nursing homes. More information on the disqualifying convictions can be found in Appendix A.</p>
<p>Opportunity to contest accuracy of background check findings</p>	<p>The State provides a way to contest the accuracy of background check findings.</p>
<p>Ability to remove hiring prohibition based on rehabilitation factors</p>	<p>The State does not provide the ability to remove a hiring prohibition based on rehabilitation factors.</p>
<p>Rehabilitation/mitigation process for negative fitness determinations</p>	<p>The State’s process takes into account the following: inaccuracy of information, elapsed time since the disqualifying conviction took place, evidence of rehabilitation rehabilitation, and relevance of the conviction to the job in question.</p>
<p>Independence of appeal or review process</p>	<p>The State provides independence of the appeal or review process.</p>

State Statutes and Regulations

Citation	Description
Connecticut General Statutes (C.G.S.) § 19a-491c	This Statute requires pre-employment criminal background and registry checks for nursing homes, home health agencies, hospices, chronic care hospitals, assisted living services agencies, and ICF/MRs. This applies to independent contractors as well as employees. The program is to be put into place by July 1, 2012.
C.G.S. § 19a-491d	This requires comprehensive pre-employment background checks, including non-fingerprint-based criminal background check and registry check, for all prospective employees of home health agencies. This provision will cease to be effective when the criminal history and patient abuse background search program for home health agencies is put into effect in accordance with the provisions of section 19a-491c (described immediately above).
C.G.S. §§ 19a-491a and 19a-491b	This is about: the criminal background checks required for initial nursing home license applicants; disclosure of certain felony convictions, civil judgments, and administrative disciplinary actions required from nursing home administrators, assistant administrators, medical directors, directors of nursing, and assistant directors of nursing; notice to Commissioner of Public Health of certain felony convictions and administrative disciplinary actions of a nursing home administrator, assistant administrator, medical director, director of nursing, assistant director of nursing, nurse, or nurse aide.
C.G.S. § 19a-491b(c)	This deals with the requirement established by the Commissioner of Public Health that each person listed in the preceding entry “submit to state and national criminal history records checks.”
C.G.S. § 20-678	This is about the comprehensive criminal background checks and questionnaires regarding criminal conviction and licensure discipline information required for prospective employees of homemaker-companion agencies.
C.G.S. § 17a-227a	This deals with State criminal background checks for applicants for employment with providers of services to mentally retarded persons.
C.G.S. § 19a-561(c)(3)	This deals with the requirement for an entity seeking certification as a provider of nursing facility management services to disclose certain felony convictions, civil judgments (including injunctions), and governmental suspensions or revocations of licenses or permits relating to business activity or health care.
C.G.S. § 29-17a	This deals with procedures and fees for criminal history records checks.
C.G.S. § 54-142	This deals with the issue of challenging the completeness or accuracy of criminal history information.

Key

§ - Section

§§ - Sections

Appendix A – State-identified Disqualifying Convictions

Connecticut statutes and regulations identify disqualifying convictions as those listed in 42 United States Code (U.S.C.) 1320a-7 (a) (1) through (4) and in the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), Section 6201. These include:

- conviction of a criminal offense related to the delivery of an item or service under a State health care program;
- conviction related to neglect or abuse of patients;
- felony conviction related to health care fraud; and
- felony conviction related to a controlled substance.

Substantiated findings by a State or Federal agency of neglect, abuse, or misappropriation of property of patients also are disqualifying. These convictions disqualify an individual for life from employment at any of the eight LTC facility and provider types specified in the Affordable Care Act, unless a waiver is granted by the Department of Public Health.

In addition, nursing home licensees and owners must disclose:

- a felony or civil action involving fraud,
- embezzlement, and
- fraudulent conversion or misappropriation of property.

For nursing home administrators, assistant administrators, medical directors, directors of nursing, assistant directors of nursing, nurses, and nurse aides, the nursing home must disclose:

- conviction for a felony,
- cruelty to persons under C.G.S. § 53-20, and
- assault of a victim 60 years old or older under C.G.S. § 53a-61a.